

Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

BDE PROCEDURE MEMORANDUM

NUMBER: 7-00

SUBJECT: FHWA Oversight and Involvement On Federal-Aid Projects

DATE: April 3, 2000

This memorandum supersedes BDE Procedure Memorandum 95-22 dated November 1, 1995.

Background

Prior to the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991, the Federal-Aid Highway Program had been directed primarily toward the construction and improvement of four Federal-aid Systems – Interstate, Primary, Secondary, and Urban. ISTEA, signed by the President on December 18, 1991, provided authorizations for highways, highway safety, and mass transportation for the next six years. This legislation contained major changes concerning the highway funding program. ISTEA provided for three major federal funding program categories:

- Interstate
- National Highway System (NHS) – composed of all Interstate routes, eligible Strategic Highway Network (STRAHNET) routes and collectors, and selected principal arterials.
- Surface Transportation Program (STP) – generally available only on those roadways classified as collectors and above in urban areas and major collectors and above in rural areas.

This necessitated changes in the working relationship between the department and the FHWA, particularly in regard to the type and extent of oversight on Federal-aid projects.

On June 9, 1998, the President signed the Transportation Equity Act for the Twenty-first Century (TEA-21). TEA-21 maintains the federal funding categories of ISTEA but this act did precipitate further changes in federal oversight actions on state highway projects.

Procedures

Pursuant to TEA-21, the Division of Highways and the Illinois Division of the FHWA signed an oversight agreement on September 28, 1999. The terms of

BDE PROCEDURE MEMORANDUM 7-00

April 3, 2000

Page 2

that pact are summarized in the attached tables, which should be used as a guide when working with the FHWA.

Engineer of Design and Environment Michael L. Hine

Attachments

Project Oversight Agreement
Between
The Illinois Department of Transportation
And
The Federal Highway Administration
Illinois Division

This Project Oversight Agreement was developed to meet the requirements of Section 106 (c)(3) of Title 23 United States Code (USC) - Agreement. –*“The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this subsection.”* The Illinois Department of Transportation (IDOT) would like to continue to take advantage of the opportunities afforded state highway agencies under Section 106. These opportunities are in regards to the Federal Highway Administration’s (FHWA) approval and oversight on projects on and off the National Highway System. IDOT will take advantage of these opportunities by utilizing the oversight management options described as follows.

1. OVERSIGHT:

Interstate System: On New Construction/Reconstruction (4R) projects (see Table 1 (attached)) with construction costs greater than \$1 million, all project activities shall be developed with full FHWA oversight and approval as shown in Table 2 (attached). Upon agreement by the FHWA Transportation Engineer and the IDOT Design and Environment Field Engineer, large or complex rehabilitation projects will also be considered for full FHWA oversight.

All other projects with federal funding participation: IDOT will assume all responsibilities in accordance with Section 106 of Title 23 USC. This applies to all design activities, P S & E approvals, concurrence in awards, and all construction and maintenance activities. This precludes the need for any FHWA approval or concurrence, except those actions that require FHWA approval outside of Title 23 USC (i.e., National Environmental Policy Act (NEPA), Title VI of the Civil Rights Act, Fair Housing Act, and the Uniform Relocation Assistance and Land Acquisitions Policies Act).

2. CONTROL DOCUMENTS:

Control documents establish project development or project implementation procedures and are incorporated into project contract documents. Memorandums and Supplementals are considered control documents.

- A. The following control documents will be adhered to in the development and administration of federal-aid projects:

Illinois Bureau of Design and Environment Manual
IDOT Construction Manual
IDOT Standard Specifications for Road and Bridge Construction
IDOT Bureau of Operations Traffic Policies and Procedures Manual
IDOT Highway Standards
IDOT Bridge Manual
Federal-Aid Procedures for Local Highway Improvements - IDOT

- B. The FHWA review and approval of changes to control documents is a program-level review activity. The FHWA review of control documents will be through participation on the Specification Committee and participation in the revision or rewriting of such documents. The application and implementation of procedures established in the control documents will be reviewed on a program-level as part of the joint FHWA/IDOT process review program.

3. LAWS AND REGULATIONS:

IDOT will follow all applicable federal-aid laws and regulations, including the following, as well as any other applicable laws and regulations.

Title 23 U.S.C. - Highways
23 CFR - Code of Federal Regulations Highways
49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs
The Federal Managers' Financial Integrity Act of 1982
Federal-Aid Policy Guide (FAPG)
A Policy on Geometric Design of Highways and Streets - AASHTO (Green Book)
A Policy on Design Standards - Interstate System - AASHTO
Manual on Uniform Traffic Control Devices (MUTCD)
Highway Safety Design and Operations Guide 1997 - AASHTO (Yellow Book)

4. OBLIGATION OF FUNDS:

IDOT will request obligation of funds and FHWA will respond to those requests utilizing FHWA's electronic financial management program (FMIS).

IDOT will not submit requests for obligation of funds on any federal-aid project until the National Environmental Policy Act (NEPA) approval process has been completed and the projects for which funds are being sought are listed in Illinois' Statewide Transportation Program (STIP).

5. **CERTIFICATION:**

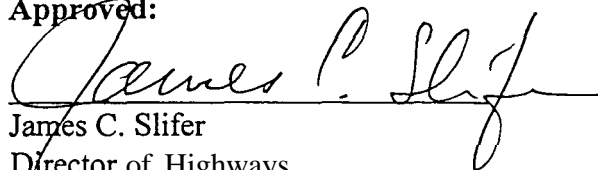
It is hereby agreed that IDOT will follow all control documents, federal and state laws, regulations, and directives for the design, construction, operation and maintenance of all federal-aid projects.

6. **EFFECTIVE DATE:**

This agreement affirms that IDOT and the Illinois Division of FHWA will operate in the above described manner beginning September 30, 1999.

FHWA is not precluded from reviewing or investigating any phase of the federal-aid program including control documents or any federal-aid projects, especially those that contain unique features or those with unusual circumstances. Furthermore, this agreement does not preclude IDOT requesting FHWA involvement in projects. This agreement does not change any of the responsibilities of the FHWA regarding the requirements of the NEPA, Title VI of the Civil Rights Acts, Fair Housing Act, and the Uniform Relocation Assistance and Land Acquisition Policies Act.

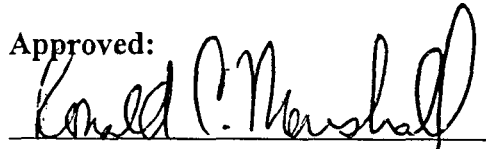
Approved:



James C. Slifer
Director of Highways
Illinois Department of Transportation

9/28/99
Date

Approved:



Ronald C. Marshall
Division Administrator
Federal Highway Administration

9/28/99
Date

Table 1 -- Project Categories

	Project Category		
	Preventive Maintenance	3R	4R
Pavement	Thin Overlays	Structural Overlays	Pavement Replacement
	Pavement Patching		
Bridge	Deck Patching	Deck Overlay/Replacement	Superstructure Replacement
	Substructure Repair Superstructure Painting	Rail Replacement (incl. minor deck widening)	Substructure Widening that adds a lane width or more
Traffic Operations	Pavement Marking & Signing	Traffic Operation & Safety Projects	Interchange Reconstruction
		Add Auxiliary Lanes	Add Through Lanes
For projects with a combination of 3R and 4R activities, the category with the majority (i.e., greatest cost) of work will govern.			

Table 2 -- FHWA Project Oversight Actions

	Interstate				NHS (non-I) City of Chicago (NHS & non-NHS)	non-NHS
Oversight	Full Oversight New or 4R >1 million (3R by agreement)	Exempt 3R	Preventive Maintenance	State-funded Projects	Exempt	Exempt
Governing Policy	FHWA Policy	FHWA Policy <u>with</u> Approval Actions Delegated to IDOT	FHWA Policy <u>with</u> Approval Actions Delegated to IDOT	State Policy FHWA Design Stds.	FHWA Policy <u>with</u> Approval Actions Delegated to IDOT	State Policy
FHWA ACTION						
Environmental Approval	Required			NA	Required	
FHWA Design Approval	Required	IDOT	Not required for retention of <u>existing</u> conditions	Required	IDOT	State Policy and Procedures
o Mainline Exceptions	Formal Submittal	Formal Submittal		Approval Delegated to IDOT		
o Other Exceptions	At Coord. Mtg.	At Coord. Mtg.				
Safety Review and/or Pre-final Plan Review	Required (part of PS&E approval)	Determine at Coord. Mtg.	IDOT	NA		
PS&E Approval	Required	IDOT	IDOT	NA		
Authorization	Required			NA		
Concurrence in Award	Required	IDOT	IDOT	NA	IDOT	State Policy and Procedures
Change Order Approval	Required - Advance Approval is Required for Major Changes .	IDOT Except scope or termini changes and payment of premium pay or escalated prices	IDOT Except scope or termini changes and payment of premium pay or escalated prices	NA	IDOT	
o Claims	Required				IDOT	
o Time Extension	Required				IDOT	
Materials Certification	Required	IDOT	IDOT	NA	IDOT	IDOT Procedures
FHWA-45 & FHWA-47	Completion, approval, and transmittal to FHWA HQ - IDOT			NA	IDOT	N/A
Project Inspection	nspections-in-depth & included in PR/PE sampling	Significant projects included in PR/PE sampling	Significant projects included in PR/PE sampling	NA	IDOT	
Final Inspection	IDOT			NA	IDOT	

* Major Change - as defined by Construction Memorandum 99-4 (sheet 10 of 38)